

These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>

Planning & Zoning Commission Meeting
Minutes of August 7, 2013
1st Floor North Conference Room - City Hall

Present: Chairman Nathaniel Cannady, Vice-Chairman Jeremy Goldstein, Kristy Carter, Jim Edmonds, Jane Gianvito Mathews, Joe Minicozzi and Holly P. Shriner

Absent: None

Pre-Meeting - 4:30 p.m.

At the pre-meeting, the Commissioners discussed the postponement of the East Chestnut development, and then went over the process for the Green Man Brewing variances. Their other action was a discussion of an upcoming special worksession on properties with zoning that differs from the expectation of the 2025 Comprehensive Plan.

Regular Meeting - 5:00 p.m.

Chairman Cannady called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Mr. Minicozzi moved to approve the minutes of the July 18, 2013, meeting, with minor typographical errors. This motion was seconded by Vice-Chairman Goldstein and carried unanimously by a 7-0 vote.
- ? Due to a motion being filed to the Board of Adjustment to hear a request for an interpretation, Vice-Chairman Goldstein moved to continue the request for a conditional zoning for 291 East Chestnut Street to September 4, 2013. This motion was seconded by Ms. Mathews and carried unanimously on a 7-0 vote.

Agenda Items

- (1) Request to rezone properties at 103, 107, 113, and 117 Caledonia Road from Institutional District to RS-8 Residential Single-Family High Density District. The owner is Caledonia Development, LLC, and the agent is Kevin Scarmack. The property is identified as PINs 9648-71-8763, -8788, -8894, and -9809. Planner coordinating review – Blake Esselstyn**

Urban Planner Blake Esselstyn oriented the Commission to the site location and said that the subject site, roughly 0.6 acres of wooded, steeply sloped land, has been involved in or associated with multiple zoning actions and development proposals in recent years, as described in the above section. While the high-density multi-family development proposals for this area met technical requirements, there was consternation on the part of City Council, as well as multiple neighboring citizens, about the compatibility of that type of use in this location.

The current zoning designation, Institutional, can be traced back to circumstances years ago, when this property was under the same ownership as the complex to the northwest (now the Kenilworth Apartments), which at the time was a medical institution. The subject property, which may have at that time shared a PIN with the parcel on which the complex was built, was considered part of the institution's campus. When the building was converted to apartments, the existing zoning district allowed high density multi-family residential uses, and it was preserved.

Staff feels (as was reflected in the 2011 staff-initiated rezoning) that the proposed zoning reflects a density more appropriate for these steeply sloped properties in a predominately single-family residential neighborhood, and eliminates the potential for certain commercial uses (allowed in the Institutional district) that are unlikely to be compatible at this location.

The site has already been subdivided into lots suitable for single-family development, and the Institutional Zoning District allows single-family uses, but the side setbacks in Institutional are more restrictive than in RS-8. While the single family lots exceed the minimum lot size for the RS-8 district, width is at a premium because of the steep incline, and the difference between the ten-foot side setback in Institutional and the six-foot setback in RS-8 was one factor prompting the applicant to request the rezoning.

The UDO (7-8-15) states that "The Institutional District is established to reserve land for the development of major educational facilities, major medical facilities and other complementary and supporting uses such as health related developments, office developments, and public services." Staff feels the land no longer is appropriate for this purpose.

By contrast, the stated intent of RS-8 is "to establish a high density per acre for single-family dwellings where public infrastructure is sufficient to support such development and to stabilize and protect the district's residential character in areas of existing high density single-family development while promoting a suitable environment for single-family living. Non-single-family development normally required to provide the basic elements of a balanced and attractive residential area is also permitted."

When a similar rezoning proposal was initiated by staff in 2011, the primary reason cited for objection on the part of reviewing boards was the lack of support of the property owner. Now that that situation has changed, the property has been subdivided, and the property owner is behind the rezoning, staff feels that the argument for the rezoning is further strengthened.

Unlike the similar recent rezoning request (described above) on Finalee, which was contiguous on two sides to existing RS-8 zoning, however, the petition in question would create an area of RS-8 zoning which only touches corresponding zoning at a single point. The 0.6-acre area would be surrounded on three sides by Institutional zoning, and would face River zoning across the street along most of its frontage. Staff has expressed to the applicant that a petition including other adjacent parcels would be preferable, but the applicant was not prepared to expand the area at this time.

At the recent July 18 meeting of the Planning and Zoning Commission, certain Commissioners indicated concerns about the "piecemeal" approach under which rezoning is being pursued in this area. While staff would also rather see a larger area being proposed for rezoning by the applicant and adjacent property owners (keeping in mind the City-initiated rezoning that failed in 2011), this report must consider the petition submitted on its own merits. Staff feels that the proposed rezoning would represent an improvement over the existing situation.

As of this writing, the only communication received from the public regarding this rezoning has been an inquiry from a neighborhood representative seeking further information.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pro:

- ? The rezoning establishes zoning on the properties that is more reflective of and compatible with the neighboring single-family neighborhood and the steeply sloping site.

Con:

- ? The minimal contiguity of the proposed area of RS-8 zoning to existing RS-8 zoning is less than ideal according to standard zoning practices.

Staff's analysis indicates that the proposed zoning district would support appropriate development and prevent incompatible development better than the existing zoning, and, accordingly, staff recommends approval.

Chairman Cannady opened the public hearing at 5:10 p.m.

Ms. Valerie Hoh, resident on Finalee, and Ms. Teddy Jordan, President of the Kenilworth Residents Association, both supported the rezoning; however, expressed concern of the other large tracts of land zoned Institutional in the area, which if continued to remain Institutional District might cause incompatible development. They urged the Commission to look at the entire area in terms of consistent zoning.

Chairman Cannady closed the public hearing at 5:15 p.m.

Ms. Mathews felt that given the steepness of the site, the narrowness of the street, and the adjacent residential development in the neighborhood, she felt this rezoning is appropriate

In response to Ms. Shriner, Planning & Development Director Judy Daniel said that they are continuing discussions with other property owners in the area to not piecemeal zoning actions in the area.

Mr. Minicozzi felt it would be appropriate for Planning staff to bring forward a comprehensive rezoning for the entire area that works for all parties. Ms. Daniel reported that on the Commission's September agenda, there will be a broader discussion of the area. In addition, in December 2012, Planning staff was directed by City Council, at the Kenilworth Residents Association's request, for a zoning study of this area. That report was prepared for Council consideration in January; however, the Association requested that report be delayed. Staff will update the study prior to it being reported to Council.

When Mr. Minicozzi expressed concern about spot zoning, Associate City Attorney Jannice Ashley said that spot zoning is not a concern from a legal standpoint.

When Ms. Carter asked about buffering between the two zonings, Ms. Daniel said that the Institutional buffer would be increased. She also noted that we have many residentially zoned areas backing into Institutional zoned property in that area.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Vice-Chairman Goldstein moved to recommend approval of the rezoning of 103, 107, 113 and 117 Caledonia Road from Institutional District to RS-8 Residential Single Family High Density District. This motion was seconded by Ms. Mathews and carried by a 6-1 vote, with Mr. Minicozzi voting "no."

- (2) **Request to rezone property at 172 Asheland Avenue from Regional Business District to Central Business District. The owners are Douglas J. Fox and Kenneth G. Fox. The property is identified at PIN 9648-38-0052. Planner coordinating review – Alan Glines**

Request to include the parcel located at 172 Asheland Avenue in the official Central Business District Height Zone Map and Key Pedestrian Streets Map found in Article 7-8-18 of the Unified Development Ordinance. The parcel number is 9648-38-0052. Planner coordinating review - Alan Glines.

Because the two public hearings are for the same property, it was the consensus of the Commission to combine the public hearings, but to vote on the actions separately.

Urban Planner Alan Glines oriented the Commission to the site location of the rezoning and said that this parcel is located along Asheland Avenue south of Hilliard Avenue. The property is adjacent to the western border of the Central Business District zone (CBD). The parcel slopes away from Asheland Avenue and has access to a small right of way called Federal Alley at the back side of the property. Recently the owners of 86 Asheland Avenue submitted an application to rezone their three parcels to CBD. That request was approved by City Council at their meeting on June 23, 2013. After receiving notification of that application, Douglas Fox called staff to inquire about changing the zoning of his parcel. Mr. Fox feels that the growth pattern for the south area of downtown is strongly in favor of an urban, denser form of development. He submitted this request with the knowledge that new substantial development changes on his property will be required to follow standards approved for the Central Business District.

Hilliard Avenue was traditionally the southern border of the downtown area but in 2001 the CBD zoning was extended to include land between Coxe Avenue and Biltmore Avenue down to Southside Avenue. At the time it was felt that the greatest potential for growth was in this section adjacent to the traditional downtown core. The section of Ashland was left out of that rezoning effort because the development was newer and strongly followed suburban development patterns with the parking field in front and buildings set back from parcel lines. If rezoning had been pursued, most of the existing buildings would be non-conforming to CBD standards. With the passing of time of over ten years those buildings are older and appear to be reaching the end of their functional life.

The Downtown Commission was surprised to receive a second application for rezoning in the area. Staff explained that the property owner received notification from the earlier rezoning request and feels that a zoning change is also warranted for this property too. Although work on a corridor-long rezoning study is anticipated for later in the year, this specific request to rezone was submitted and staff is compelled to consider and process it in a timely manner. Planning for this corridor project has not commenced but it will include community meetings with affected property owners and neighbors of the South French Broad neighborhood.

Mr. Glines stated that he has sent a letter to the property owner in between 172 and 86 Asheland Avenue to see if they would be interested in joining in these actions; however, he has not received any contact to date.

The Central Business District allows a wide range of residential and commercial uses with regulations in place for designing new structures so that new construction will be compatible with the urban context of downtown. Most of the regulations for downtown development were identified in the Downtown Master Plan completed in 2009 and later adopted with some amendments into the UDO in 2010. Building heights are defined by the Height Zone map and a recommendation to include these parcels on the map is associated with this application. There is also a Key Pedestrian Streets map (KPS) and certain streets that are primary pedestrian corridors are included in the map. Asheland Avenue north of Hilliard is on the KPS map. The intermediate height zone was approved for 86 Asheland and the key pedestrian streets map was extended to include those three properties. The Downtown Commission is recommending the same amendments for this property too.

The Regional Business District allows a large array of commercial uses and permits large structures (greater than 100,000 square feet). Building height is limited to 80 feet. The development zone is more common in suburban areas along busy highways, interchanges and thoroughfares. There is little character defining regulations in the ordinance and parking is allowed in front of buildings and at the sidewalk edge in regional business zones.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? The zoning change is compatible with the neighboring downtown area.
- ? Supports the goals of the Downtown Master Plan and the Strategic Operating Plan
- ? Supports the redevelopment of the south area of downtown

Con:

- ? None noted.

The Downtown Commission reviewed the request to rezone the subject parcels at 172 Asheland Avenue as a policy discussion at their meeting on July 12, 2013, and voted 8-0 to support the request. Staff feels that the proposed zoning change is reasonable and is consistent with City goals and interest in the downtown area and is supportive.

Regarding the UDO map amendments, Mr. Glines said that the Planning and Development Department has received an application to rezone a single parcel at 172 Asheland Avenue to Central Business District with that rezoning request being reviewed with a separate staff report. If the rezoning request is approved, there are several maps that apply to properties located in the downtown area that will affect these parcels.

Height Zone Map - The height zone map was adopted as a part of the Central Business District (7-8-18 of the UDO) in 2010. The map identifies areas for the *tallest height zone* (265 feet) and the *intermediate height zone* (145 feet) and *buffer height* that moderates the tallest height zone along view shed corridors. The City Council approved the intermediate height zone for 86 Asheland Avenue just north of this parcel in July. The Downtown Commission recommends that the intermediate height zone also be extended to 172 Asheland Avenue. The intermediate height zone has been used at other locations that have served as the edge of the downtown CBD. If the zoning study proceeds in the future to expand the CBD along Asheland Avenue, the height zones will be reviewed again.

Key Pedestrian Streets- The Key Pedestrian Streets map (KPS) is a designation along specific streets that serve as primary pedestrian linkages throughout the downtown area. When a street is designated a KPS, there are several development regulations in place that are designed to enhance the pedestrian experience at the sidewalk level. For example, on a KPS, buildings must provide 70% windows, doors or other openings at pedestrian level and parking garages must provide either an occupiable space for the first 20 feet of depth or provide fenestration details meeting regulations. Asheland Avenue is a KPS north of Hilliard Avenue already. City Council approved the extension of the KPS to 86 Asheland Avenue just north of this parcel in July of this year. The Downtown Commission recommends that the KPS designation also extend to this property seeking rezoning. If Asheland Avenue is studied for further CBD expansion the issue of extending the KPS map will also receive discussion then.

The Downtown Commission recommended the placement of the intermediate height zone on and the extension of the key pedestrian streets map to the subject properties at their meeting on July 12, 2013 with a vote of 8-0. Staff concurs with this recommendation because the amendment supports properties that are zoned CBD and is reasonable based on the goals and development requirements of the CBD.

In response to Ms. Shriner, Mr. Glines said that the property in between 172 and 86 Asheland will not be affected by the change to the Height Zone Map or the Key Pedestrian Streets Map as they only apply to Central Business District zoned properties.

Ms. Carter wondered that after Planning staff does their corridor-long rezoning study and they find that the entire corridor should be CBD, what recourse will the property owners have, if

they do not want their property zoned CBD. Mr. Glines said that if a property owner did not support the rezoning and the City wanted to proceed with the rezoning, that property owner will have the right to protest the rezoning, with a protest petition, or voice their concerns to the Commission and to City Council. He noted that they hope to begin the study in the fall.

In response to Chairman Cannady, Mr. Glines explained the differences between Regional Business District and the Central Business District.

Chairman Cannady opened the public hearing at 5:42 p.m. and when no one spoke, he closed the public hearing at 5:42 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Shriner moved to recommend approval of the rezoning of 172 Asheland Avenue from Regional Business District to Central Business District. This motion was seconded by Vice-Chairman Goldstein and carried unanimously by a 7-0 vote.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Shriner moved to recommend approval the amendment of the Height Zone map to include the intermediate height for 172 Asheland Avenue and also the amendment of the Key Pedestrian Streets map to extend the designation to the subject property. This motion was seconded by Ms. Carter and carried unanimously by a 7-0 vote.

(3) Green Man Brewing at 27 Buxton Avenue requests variances. The property identification numbers include 9648-38-9049, 9648-38-9089, 9648-48-0008, and 9648-48-0048. The applicant FBG Panther, LLC is seeking several variances from UDO standards found in the Central Business District zone 7-8-18: height standards; fenestration requirements (windows, doors and other openings; amount of solid wall); and building frontage along a key pedestrian street for the construction of a new micro brewery facility. Planner coordinating review Alan Glines

Associate City Attorney Jannice Ashley explained the procedures for this item which requires the Commission to act as a Board of Adjustment (5 members) and all testimony needs to be sworn. At this time, Chairman Cannady handed the gavel over to Vice-Chairman Goldstein and Chairman Cannady and Mr. Edmonds left the room.

City Clerk Magdalen Burleson administered the oath of office to anyone who anticipated speaking on this matter.

Ms. Ashley said that the Commissioners must base their decision on this variance on what is presented in this public hearing. Mr. Glines may refer to parts of the previous presentation as staff has made certain findings and conclusions. The Commissioners are free to disregard those and make their own findings and conclusions. She asked that any Commissioner who has any special knowledge of this variance disclose that at this time.

Ms. Ashley also said that the Authorized Practice Committee of the North Carolina State Bar has issued an advisory opinion that appearing in a representative capacity for a party before a local governmental body in a quasi-judicial proceeding is the practice of law, especially with respect to such aspects of the hearing as examining or cross-examining witnesses, or advocating for legal conclusions or results. This does not prevent persons, including land use professionals, from presenting information or expressing opinions within their knowledge or area of expertise.

Mr. Glines said that the applicant is requesting five variances pertaining to height, fenestration and building frontage requirements found in the Central Business District (CBD) related to the construction of a new brewery facility:

The variances pertain to the following areas of the development regulations for the Central Business District.

1. Section 7-8-18(f)(7) Height standards
“the minimum height for new structures ...will be two stories (a minimum of 24')....a. the two-story requirement for new construction will mean that: 1. A second floor is provided as a full occupiable floor ...”
2. 7-8-18 (f)(13)(a).(5.) windows, doors and other openings
“(a.) For buildings along streets designated as key pedestrian streets, at least 70 percent of the street-level façade is composed of windows, doors or other openings.”
3. Section 7-8-18(f)(13)(a).(5) windows, doors and other openings
“(b.) For buildings along streets that are not designated as key pedestrian streets, at least 50% of the street level façade is composed of windows doors and other openings.”
4. 7-8-18 (f)(13)(a).(5.) windows, doors and other openings
“(e.) At street-level, areas of opaque wall may extend no more than 20 feet horizontally before beginning a window, door or other opening.”
5. 7-8-18(f)(13)(c.) Additional site related standards for all projects
“For new construction along key pedestrian streets, buildings are required to be constructed along a minimum of 80% of the frontage line of the lot.”

Green Man Brewery is proposing to construct a new brewery facility totaling about 18,000 square feet on parcels fronting on Buxton Avenue and Church Street. The brewery facility will brew and bottle beer in a new energy efficient building. Part of the project will comply with development standards but several requirements are not completely compliant and so the applicant is seeking relief through the variances. Green Man Brewery has been operating a brewery facility at this location for about ten years and is seeking to expand at this location. Microbreweries are an allowed use in the Central Business District but there are not separate design standards for a manufacturing or warehouse facility only the regular standards, that pertains to all buildings in the CBD.

Per the review process in Section 7-5-9.1(b)(10), the Downtown Commission provides a recommendation on all variance requests considered by the Planning & Zoning Commission. The Downtown Commission reviewed the proposal at their meeting on July 12, 2013, and voted to support the variances with a vote of 9-0 with the condition that the applicant improve the aesthetics of the Buxton Avenue façade and have a third meeting with the design review subcommittee after the vote to improve the building details. The design review subcommittee met on Monday July 22, 2013 and supported larger openings at the tasting room corner and recommended artwork along Buxton Avenue. They also recommended that the developer's architects provide two display windows to be aligned with the vertical green bands on the Buxton Avenue façade to be used to enhance pedestrian interest. According to the architect, the display windows were considered but they did not ultimately include that in the final design. Previous to the project going to the Downtown Commission the design subcommittee worked with the architects to add the tasting room on a lower level at the corner of Buxton Avenue and Church Street which they feel has improved the project.

Variances Requested:

1. The two-story requirement for the downtown CBD area specifies that the second story must be a full occupiable floor and although there is a lower-level tasting room, it is not a full floor under the manufacturing floor level. The main portion of the proposed building will meet the minimum height of 24 feet and exceed that by 13 feet on Buxton Avenue. The owner has stated that the nature of the brewery use which has a requirement for taller ceilings because of the tanks used in the fermentation process, make full compliance difficult.
2. Fenestration requirements are a linear frontage requirement and not an 'area' requirement based on the wall surface area, to incorporate windows doors and other openings at pedestrian level along a street facade. The fenestration requirement varies depending on if the street is located on the *key pedestrian streets* map. Since Church Street is a key pedestrian street the fenestration requirement is 70% of the 70 feet in proposed building length. The building façade along Church Street does provide some fenestration at the level of the tasting room so the applicant is seeking a variance of 43 feet or 61% of the requirement.
3. The fenestration requirement along Buxton Avenue is only 50% of the length of the building because this street is not a key pedestrian street. The building façade along Buxton is 160 feet long and 14 feet of windows and doors are proposed at the tasting room level. To meet the fenestration requirement 80' of windows doors and other openings would need to be provided but only 14 feet are proposed. The applicant is seeking a variance for 66 feet or 82% of the requirement.
4. The limitation of the length of opaque wall to 20 feet before beginning a window, door or other opening is to enhance the pedestrian environment with building interest. Both of the façades exceed this number and the applicant is seeking a variance from this requirement.
5. The requirement for new construction to meet 80% of the lot frontage is to avoid large gaps at the street edge and along with compliant requirements for windows, doors and other openings is considered to enliven the sidewalk edge and the pedestrian experience. There is an allowance for driveway openings which are generally allowed at 24 feet. Of the 101' of block length, 24 feet can be removed for the driveway width leaving 77 feet of block length. The proposed building is 71 feet of that length meeting 92% of the requirement. The applicant is seeking an 8% variance from the standard, (six feet in length).

The proposal is a Level One project because of the scale of the new building.

FINDINGS:

Conclusion 1 - There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.

Test 1 - If made to comply with the provisions of the ordinance, the property owner cannot make reasonable use of the property.

Microbreweries are an allowed use in the downtown CBD (with a minor list of special standards) but they are expected to follow the normal development regulations that all new construction must follow. There are no specific regulations for manufacturing facilities of this type or provisions that provide relief from standards. The brewery activity is somewhat unique in that taller structures are required because of the tanks involved and the somewhat unique environment for brewing which operates in climate-controlled darker spaces. If the building was made to be two-stories for the entire floor area, this may not be reasonable since the second floor would be the equivalent of two stories higher. Full fenestration may also make the brewing operation difficult because of the internal chilled storage area and general inventory storage inside the outer wall of the building. An additional factor is that the grade change across the site puts

the finished floor overhead starting at about a third of the way along Buxton Avenue towards Church Street. The tasting room is not a brewing function and so that area is fenestrated like other downtown businesses that are open to the public which helps the overall project comply with downtown requirements. A limited number of upper story windows are provided above the tasting room where employee offices are located. The brewery use may have limited results for the reasonable use of the property if they were not provided some relief through the variances. The architectural team has provided some variations in the materials used for the façade which serves to break up the solid nature of the proposed building facades.

Test 2 - The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

The lot is sloping from the main at-grade connection with the existing facility at 27 Buxton Avenue across to the corner with Church Street. The difference in grade is roughly 12 feet from one end to the other. With this grade change, there is a point where the floor of the building goes well overhead and no longer relates to the Buxton Avenue façade or the Church Street façade so the pedestrian on the sidewalk is interacting with the foundation wall of the building. The tasting room is inserted at the lowest point of the project at the corner under the main floor of the brewery but is limited in area. The majority of the warehouse is built on a load bearing fill-slab that will support the heavy weight of the brewing tanks. The circumstances of the way the brewing operation is carried out along with the natural slope are unique to this site and operation.

Test 3 - The hardship is not the result of the applicant's own actions.

Some of the variances requested (previously described) are easy to understand and support and others with minor adjustments could better comply with other important requirements. The two-story variance is understandable because of the nature of the brewery operation with tall fermenting tanks approaching the height of two stories. The second story could be used for some other use but the developer does not have a need for a full second story. A tasting room at the lower corner of the site does provide a usable second story that mitigates the use and enhances the project. The fenestration variance is greatest for Buxton Avenue and the Downtown Commission's Design Subcommittee offered suggestions to mitigate the impact of this variance on the pedestrian environment which included the art work mural on the building, larger openings for the tasting room area and two large display windows (proposed at 80" X 96") at the floor level of the manufacturing facility. The architectural team did not include these display windows in the project so this façade is more solid than the Commission proposed. Overall the Downtown Commission did react favorably to the tasting room area which came out of a discussion with the design subcommittee.

Conclusion 2 - The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

The ordinance is in place to assure that new buildings and uses address the street and enhance the pedestrian environment. Parts of the building and proposed project are in harmony with the intent of the ordinance because of visual interest in surface treatments through murals or changes of materials used in the facades. The tasting room is a good addition to the project which will enhance the pedestrian experience while fully complying with development standards for that portion of the building. The development standards in place for downtown assure that new buildings will have a longer functional life and

should Green Man Brewing leave the site for a larger facility sometime in the future, any other permitted use could take over that building and the new use would also be in the position to be fully compliant with the requirements of the ordinance. This brewery building may be like a single-use building that is difficult to repurpose in the future. This is a change from practices of the past as it pertains to the historic core of downtown. In this area, one building may have dozens of uses and occupants over its life. Without some additional efforts to meet the spirit of the ordinance the general intent may be compromised.

Conclusion 3 - The granting of the variance secures the public safety and welfare and does substantial justice.

The requested variances will not compromise public safety or welfare in any way, nor do they impact another property owner's use of their property. The lack of a compromise for mitigating the variance request for fenestration along Buxton Avenue could hold back the district in some ways because the pedestrian experience is not supported to the level required by the development regulations. The South Slope area is transitioning and Green Man has been a positive part of that change, however the infrastructure is limited and many of the existing buildings are still awaiting renovation. The diminishment of the pedestrian environment with solid wall spaces could keep the area depressed because pedestrians, visitors, etc. may not explore the area further once they encounter a solid warehouse building without fenestration or other openings to create interest and enhance a sense of safety and vitality. The change of materials proposed for the building will help with some of this concern but greater compliance would also provide substantial justice and is appropriate.

The Downtown Commission reviewed and supports the variances requested with a vote of 9-0 with the condition improve the aesthetics of the Buxton Avenue façade and to have a follow up meeting with the Design Review Subcommittee. At the July 22 meeting, some of their suggestions were incorporated into the design for the building. The Subcommittee supported larger openings at the facing room corner, which is provided for on the plan, and recommended art work along Buxton. They also recommended that the developer's architect provide the two display windows to be aligned with the vertical green bands and that was not included in the project. According to the developer's architect, the display windows were considered, but not ultimately included. Previous to the project going to the Downtown Commission, the Design Review Subcommittee worked with the architects to add the tasting room on the lower level on the corner of Buxton and Church Street.

Staff has reservations for the current fenestration level being proposed for Buxton Avenue and feels that more could be done to bring this façade into closer compliance with the ordinance. The other variances however are mitigated by the design and other proposals for the building. Because of the five different variances requested, it is recommended that each variance be voted on separately:

- 1) Granting a variance for the two-story requirement
- 2) Granting a variance for fenestration along a Church Street, a key pedestrian street for 43 feet or 61% of the requirement
- 3) Granting a variance for fenestration along Buxton Avenue, for 66 feet or 82 % of the requirement
- 4) Granting a variance for opaque wall exceeding 20 feet before beginning a window, door or other opening along Church Street and Buxton Avenue
- 5) Granting a variance for the 80% of lot frontage requirement for an 8% variance from the standard.

Staff finds this request to be reasonable based on the unique circumstances of the proposed use and the natural slope of the lot.

Ms. Mathews questioned the graphics on the building and if they conform with the sign ordinance. Mr. Glines responded that the graphics are on the building for illustration purposes only. They represent placeholders for the art work.

When Vice-Chairman Goldstein asked if there was a definition for pedestrian level, Mr. Glines showed a picture of the Kress Building downtown that they use as an example and then later in the discussion he read the portion of the UDO which addressed pedestrian levels.

Mr. Dennis Theis, owner, said this is an expansion complimenting their existing brewery. The new building is about a 15,000 sq. ft. warehouse that will be utilized for packaging for the brewery. This represents a big commitment on their behalf and they are committed to this location long-term. He said that on the Buxton side, they have commissioned an artist to paint a mural to cover the building, incorporating the four seasons. Regarding the display windows, he said there is still a lot of undesirable foot traffic in that area and feels that it would only be a matter of time before the windows would be broken. He asked for the Commission's support.

Using some iterations of the design and floor plans, Mr. Ryan Spowal, general contractor, explained the need for the variances, noting that they want the building to look like more than just a box. This is a tight site so they have maximized the use of the space from a production standpoint to get the products manufactured and stored. Regarding the display windows on the vertical green bands on the Buxton side (up about 8-9 feet), inside they have shelving backing up to that for storage of the beer and pallets. The way the structure of the building is being constructed, they felt they would need additional depth to put the display windows in and that would push the racking back which would encroach on the space they need to utilize the production and storage of beer.

When Ms. Carter asked why the developer could not put in windows along the Church Street, Mr. Spowal said that is the cooler.

Ms. Mathews found many pictures of microbreweries that have a lot of windows displaying the tanks and the operation to the public as a way to generate interest. Mr. Theis said that there separate sections of a brewery and this is the packaging section, which is sensitive to light, oxygen and temperature.

When Ms. Mathews suggested tinted glass or shaded windows for the display windows on Buxton, instead of a solid wall, Mr. Theis said that they would then diminish the mural and personally he did not want to put windows on Buxton.

In response to suggestion by Ms. Shriner, Mr. Spowal said that it is possible to have the mural a part of the concrete wall at the street level to bring the pedestrian feel to the building.

Vice-Chairman Goldstein opened the public hearing at 6:41 p.m.

Mr. Byron Greiner, member of the Downtown Commission and Asheville Downtown Association, spoke about the number of jobs Green Man Brewing will be adding to the CBD. The applicant has worked well with the Design Review Subcommittee over and over again to make this work in an urban environment. They fully support the mural. The Downtown Association sees this as a big catalyst of the revitalization of the south slope.

Vice-Chairman Goldstein closed the public hearing at 6:43 p.m.

Ms. Shriner liked the idea of the mural to mitigate the fenestration issues on Buxton.

At the suggestion of Ms. Mathews, it was the consensus of the Commission to review the requirements for fenestration above street level, given the recent change to one-story buildings that are two-stories in height.

There was discussion, initiated by Ms. Carter, about some element of public art or continuity of the materials and colors on the concrete foundation on the Church Street side. Mr. Spowal said that on the concrete foundation they would provide either architectural fenestration or public art to meet the fenestration requirement. Mr. Theis assured the Commission that the concrete foundation and the Buxton Street side will look good.

When Vice-Chairman Goldstein asked if the developer would have to show what the mural would look like, Ms. Daniel said that she has authority to approve the look. She noted that we have approved several murals and are developing criteria for it. It is always carefully considered.

When Ms. Carter asked if there is any conflict with having a mural on two sides of a building, Ms. Daniel replied no, because murals are considered art, not signage.

Ms. Mathews could not support the fenestration variances due to the lack of specificity.

Mr. Minicozzi moved to grant the variance for the two-story requirement, due to the fact that this is a unique addition to an existing operation, and manufacturing with excessively large equipment, and that the applicant has worked to minimize the variance request for the entire building through the addition of the mezzanines and two-story corner with the Downtown Commission. This motion was seconded by Vice-Chairman Goldstein and carried unanimously on a 5-0 vote.

Ms. Carter moved to grant a variance for fenestration along Church Street, a key pedestrian street for 43 feet or 61% of the requirement, based on the information provided in the staff report, with the condition that the developer provide either architectural fenestration element or public art element. This motion was seconded by Vice-Chairman Goldstein and carried on a 4-1 vote, with Ms. Mathews voting "no."

Mr. Minicozzi moved to grant a variance for fenestration along Buxton Avenue, for 66 feet or 82% of the requirement, based on the information provided in the staff report, with the condition that the murals as discussed be approved by the Planning Department and that they not exceed the signage requirement. This motion was seconded by Ms. Shriner and carried on a 4-1 vote, with Ms. Mathews voting "no."

Mr. Minicozzi moved to grant a variance for opaque wall exceeding 20 feet before beginning a window, door or other opening along Church Street and Buxton Avenue, based on the information provided in the staff report. This motion was seconded by Vice-Chairman Goldstein and carried on a 4-1 vote, with Ms. Mathews voting "no."

Mr. Minicozzi moved to grant a variance for the 80% of lot frontage requirement for an 8% variance from the standard (Church Street façade), based on the information provided in the staff report. This motion was seconded by Vice-Chairman Goldstein and carried unanimously on a 5-0 vote.

At this time, Chairman Cannady and Mr. Edmonds re-entered the room, returned to the dais and continued participation in the meeting. Vice-Chairman Goldstein handed the gavel back to Chairman Cannady.

At 7:18 p.m., Chairman Cannady announced a short recess.

(4) Proposal for Unified Development Ordinance amendments pertaining to signs to sec. 7-13-3: Off-premises signs, Sec. 7-13-4(b)(1)(c): Residential development signs, Sec. 7-13-4(c): Signage for multi-tenant businesses, Sec. 7-13-5(b)(3)(d): Off-premise signs. Planner coordinating review – Judy Daniel.

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance regarding off-premise signs, residential development signs and signage for multi-tenant businesses.

Staff is returning to the Commission with additional information on the following proposed changes to the Sign Regulations. As stated previously, over the past several months, the staff has determined that adjustments to the sign regulations should be considered. These are changes that primarily allow more flexibility for businesses and developments from a practical perspective, without causing substantially more signage. This report includes the proposals for changes to Off-premise signs, residential development signs, and signs for multi-tenant businesses.

Sec. 7-13-3: Off-premises signs

This section relates to signs that are prohibited. The proposals for this section include two technical changes and one substantive change.

A technical change is proposed to the title of Sec. 7-13-3 to more clearly reflect the content of the section; and a change to paragraph “6” corrects a technical error.

Sec. 7-13-3. Signs prohibited or requiring additional standards in all zoning districts.

The more substantive change to this section regarding prohibited signs will allow the use of off-premise signs in multi-family residential districts; as some developments are situated in locations without direct frontage on a public road, and directional signage would be helpful for those looking for the development. Several Commissioners expressed concern that this change could have the potential to allow signage in multi-family districts that have a substantial level of single-family housing. To address this concern, staff has proposed additional safeguards in Sec. 7-13-5, which governs off-premise signs, discussed later in this report.

(6). Off-premises signs – some districts. Off-premises signs in all single-family residential zoning districts and in the Office, ~~Officer~~ Office Business, Community Business I, Neighborhood Business, and Central Business Districts.

Sec. 7-13-4(b)(1)(c): Residential development signs

The proposed change to Sec. 7-13-4(b) would allow more than two entry signs for residential developments. Currently one primary sign and one smaller secondary entrance sign are allowed. The change would still allow only one primary sign, but additional secondary entrances from public roads would be allowed the smaller directional sign. Staff believes that this change will provide helpful directional signage for residents and the public.

Several Commissioners expressed general support for this change, but due to a general concern expressed consideration of the change was deferred. Staff believes the safeguards on size for the secondary sign or signs, the limit of one main sign and one sign per public road entry

are sufficient, and the benefits to the public in terms of directional assistance for secondary entrances will be helpful.

(c). Subdivision and multi-family development identification signs may contain the name of the development only and must be either free standing ground signs or attached wall signs. If the signs are free standing ground signs, the height shall be limited to six feet from grade and the minimum setback shall be ten feet. ~~Only two entrances to the development may have a sign.~~ There may be one sign for each entry to the development from a public road, limited to one sign per road, but only one main entrance sign.

The main entrance sign shall have no more than sixteen (16) square feet per face, two faces per sign. The secondary entrance signs shall have no more than eight (8) square feet per face, two faces per sign. Only two sign faces ~~are~~ shall be allowed at each entrance, however, ~~said the~~ sign faces for the main entrance may be on two individual sign structures.

Sec. 7-13-4(c): On-Premises signs for multi-tenant development

The proposed changes to Sec. 7-13-4(c) once again reflect the usefulness of additional directional identification signage for development; in this case multi-tenant development which has access points on more than one public road. Staff believes the existing language to be somewhat confusing and unnecessarily restrictive and inflexible.

The proposed changes clarify that the two allowed identification signs for the building/development (as opposed to tenant identification signs) may be either freestanding or attached. It clarifies the limit on the number of identification signs per development, and clarifies where the allowed attached tenant identification signs are regulated. And it clarifies that the regulations pertain to any tenant, not just a business tenant.

Some Commissioners expressed a concern that this change did not establish a smaller sign size for the added freestanding signage allowed. Staff has proposed a modification that would require a smaller size for the additional identification sign. Also a designation for the Light Industrial district is also added, as we noticed that none was noted currently.

Sec. 7-13-4(c)(b): On premises signs: Multiple tenant development.

- (a) Multiple tenant development may erect either a development identification or joint identification sign. In addition, tenant identification sign for individual businesses within a development are allowed.
- (b) For a multiple tenant development, the development itself is allowed one identification sign either freestanding (maximum of two faces per sign) or attached for each property boundary with street frontage with a maximum of two identification signs allowed per development, ~~only one of which may be freestanding.~~ All other permitted tenant identification signs as allowed in 7-13-4(c)(b)(2) must be attached to the building(s).

- 1. Development and joint identification signs.
 - a. Where a development or joint identification sign is selected, such as sign may be of the following types.
 - Freestanding: Pole (except in Urban Residential District),
Ground, Changeable copy (except in Central Business District
and Urban Residential District)
 - Attached: Wall, Projecting, Window, Awning/canopy, Suspended
or transom

- b. The sign(s) shall meet the following requirement based on the zoning district in which it is located.

<i>Zoning District</i>	<i>Maximum Height Allowed</i>	<i>Maximum Size Per Face</i>	<i>Maximum Height Secondary Freestanding Identification Sign</i>
Residential (all districts)	6 ft.	25 sq. ft.	3 feet or ground sign
Office I & II, Office Business INST, Resort	8 ft.	90 sq. ft.	4 feet or ground sign
CB II, HB, RB, River, CI, IND, <u>Light IND, Airport</u>	25 ft.	200 sq. ft.	12.5 feet or ground sign
CBD, Urban Village	20 ft.	75 sq. ft.	10 feet or ground sign
NBD, CBI, NCD, URD, UP	12 ft.	60 sq. ft.	6 feet or ground sign

Sec. 7-13-5(b)(3)(d): Off-premise signs

The regulations currently do not allow any off-premise sign within a 100 foot radius of any residentially zoned property. The intent of the change proposed was to allow an off premise sign to be used in proximity to multi-family zoned properties, easing the ability to use directional identification signs for developments that do not have direct frontage on a primary public road.

At the June meeting, Commissioners expressed a concern that this change might lead to off premise directional signs being placed near single family homes that are in multi-family zoning district, a not uncommon situation in many Asheville neighborhoods. To address this concern, staff has modified the proposed language to protect single family development in multi-family zoning districts.

(d) No off-premises sign shall be located within a 100-foot radius of a property zoned single-family residential or ~~residentially-zoned~~ property in a multi-family zone that is in single-family residential use.

Because Ms. Carter was not in support of the amendment to Section 7-13-4 (b) (1) (c), she asked, and the Commission agreed, to vote on that amendment separately.

Chairman Cannady opened the public hearing at 7:31 p.m., and when no one spoke, he closed it at 7:31 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Shriner moved to recommend approval of amending Sections 7-13-3, 7-13-4 (c), 7-13-4 (c) (b); and 7-13-5 (b) (3) (d) of the Code of Ordinances regarding off-premise signs, and signage for multi-tenant businesses. This motion was seconded by Vice-Chairman Goldstein and carried unanimously on a 7-0 vote.

Ms. Mathews could not support the ordinance in that it seems like we are allowing too many signs and that street signs are the way to identify places.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the

staff recommendation, Ms. Shriner moved to recommend approval of amending Section 7-13-4 (b) (1) (c) regarding residential development signs. This motion was seconded by Mr. Edmonds and failed on a 3-4 vote, with Chairman Cannady, Mr. Edmonds and Ms. Shriner voting "yes" and Vice-Chairman Goldstein, Ms. Carter, Ms. Mathews and Mr. Minicozzi voting "no."

(5) Proposal for Unified Ordinance Ordinance amendments to Sections 7-2-5: Definitions; Sec. 7-8-1(b)(2)(c): Table of Uses; and Sec. 7-16-1: Uses By Right regarding agricultural uses. Planner coordinating review – Judy Daniel.

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance for horticultural agricultural uses, reflecting a community desire for more flexibility for uses uses.

As noted in the discussion report presented to the Commission in June and subsequent discussion of the proposed UDO changes in July, the City of Asheville has seen a substantial upswing in various types of food related agricultural production in the City. Growing food has always been permitted for home sites, and some types of animal (fowl primarily) and insects (bees) are permitted (through the animal control ordinances). Now there is increased interest in forms of production that go beyond what the current regulations allow and the City Council indicated its support through their adoption of a Food Policy and Action Plan in January.

Asheville's regulations regarding agriculture are already substantially supportive, but some requests relate to newer forms of production and additional support for means of production that will require changes to the regulations. The discussion at the June meeting was helpful, and no further changes were requested from those in support of this movement; but the July discussion led to recommendations from the Commission that are noted below.

Section 7-1-3. Jurisdiction

The proposal is to delete the paragraph in Sec. 7-1-3(c), which exempts a "bona fide agricultural use" from the provisions of this chapter. Legal staff has recommended this deletion as it is essentially no longer relevant, and as written, is confusing and subject to varying interpretations.

This provision was added in October of 2001 and was meant to address issues that arose during the new extension of the City's extraterritorial jurisdiction area. The exemption was intended to only apply to properties in agricultural use which had a minimum acreage of 10 acres, as well as minimum income and productions standards as per State tax law. Since this provision's definition is tied to state tax regulations, and is subject to change by the Legislature, and since agriculture in most forms is allowed in the City through the UDO and Chapter 3 of the Code of Ordinance, this exemption provision is not necessary and could lead to confusion or of greater concern, could be extended beyond its intended scope if the State tax laws pertaining to agricultural land are changed.

Delete: ~~Sec. 7-1-3(c) Bona fide agricultural use. The provisions of this chapter shall not apply to bona fide agricultural uses recognized as such for tax purposes by the State of North Carolina except that confined animal feeding operations shall be prohibited.~~

Section 7-2-5. Definitions

A change to the definition of agriculture is proposed to indicate a differentiation between raising plants vs. animals, since these uses are governed by separate ordinances. The intent is to avoid confusion about where these differing types of agriculture are regulated.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry

husbandry and the necessary accessory uses for packing, treating, or sorting the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Regulations addressing agriculture that does not include animals are governed by this Chapter. Regulations addressing agriculture involving animals (such as but not limited to bees, dairying, pasturage agriculture, animal or poultry husbandry) are in Chapter 3. All agricultural practices may be subject to further state and federal regulations.

Sec. 7-8-1(b)(2)(c). Table of Uses

The proposed change will add the use “Agriculture” to the Table of Uses to clarify that the use is allowed in all zoning districts. The use would be “P” (Permitted) in most zones, and “S” (Permitted with special standards) in residential zones.

Add under *Other Use Types*: Agriculture

“S” - USSR in all single family and multi-family residential districts, Urban Residential, and Urban Village districts.

“P” - Permitted in all other zoning districts.

Section 7-16-1. Uses by right, subject to special requirements.

The proposed change creates the standards for Agriculture in residential zones, pertinent to residential districts. The standards relate to use of the property, structures, etc. The reference to “bona fide” farms is deleted, for the reasons noted in the deletion in the Jurisdiction section above.

Sec. 7-16-1(b). Uses by right subject to special requirements listed (by zoning district):

Add: 4.1: *Agriculture*. All Residential districts including Urban Residential and Urban Village.

Sec. 7-16-1(c). Uses by right subject to special requirement standards.

Modify: (2) Accessory structures.

- a. Use districts: All residential including Urban Residential.
- b. The footprint of accessory structures located on a lot shall not exceed the following maximum footprint(s):

Lot Size	One Structure	All Structures
Less than 1 acre	770 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No limit

The footprint of the portion of accessory structures used as accessory apartments shall not be included in this calculation of footprint for accessory structures. Accessory apartments shall meet the requirements established by section 7-16-1 of this chapter.

The footprint of any accessory structures used for agricultural purposes shall not be included in this calculation of footprint for accessory structures. Such structures must meet the requirements established for agricultural uses established in section 7-16-1 of this chapter.

- c. Accessory structures shall not exceed 20 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet. ~~Structures located on bona fide farms are not subject to this height limit.~~

Add: 4.1: Agriculture:

- a. Use districts: All residential including Urban Residential and Urban Village.
- b. A site and operations plan must be submitted that includes a description of the proposed operation indicating:
 - 1. Type of farming proposed with list of products that will be sold on site,
 - 2. Location and size of structures to be built to accommodate the use,
 - 3. Permits for any animals ~~regulated in Chapter 3 as a part of the use,~~
 - 4. Marketing plans (including on-site sales) if applicable, including proposed times and frequency of market operation or on-site sales,
 - 5. Location of the intended public parking area (if applicable), and
 - 6. Anticipated level of agriculturally related vehicle traffic.
- c. If a market stand is proposed it must be a seasonal use, and have no weekday sales, and be limiting to selling products grown on the property or created from products grown on the property. Market stands must provide off-street public parking not to exceed 5 spaces.
- d. Standards for Structures

- 1. ~~If the agricultural operation is on a lot that contains a dwelling unit or other primary structure, accessory structures not used for agricultural purposes are allowed meeting the standards for accessory structures in Sec. 7-16-1(c) of this chapter but may not exceed the cumulative limit for all structures established below.~~

- 2. Storage and production structures for vacant property or community gardens are allowed by right meeting the standards below for a lot without a primary structure.

- 3. If the agricultural operation is on a lot that does not contain a dwelling or other primary structure, small storage or production structures (no larger than 12 x 12 and 10 feet tall and not within the public right of way) are allowed by right.

Larger storage or production structures may be built when there is no primary structure (home or other allowed use) on the property meeting the standards below but the applicant must submit a notarized affidavit stating and confirming that the structure will be used only for agricultural storage or production uses.

- (a) The footprint of the proposed structure located on a lot without a primary structure may not exceed the following maximum footprint:

Lot Size	One Structure	All Structures
Less than 1 acre	770 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	2,500 square feet	3,000 square feet

(b) Structures may not exceed 20 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet.

(c) On lots of more than three acres, structures may not be located in the required front yard. Structures located in side yards of corner lots whose rear or side yards are adjacent to a front yard of the adjacent lot, must maintain a setback equivalent to the front yard setback of the adjacent lot.

Chairman Cannady opened the public hearing at 7:51 p.m.

Mr. Josh O'Conner, Oakley resident, felt that this amendment will encourage urban farming in the City. He did have a concern regarding the definition of agriculture, which Ms. Daniel clarified.

Chairman Cannady closed the public hearing at 7:53 p.m.

Ms. Mathews expressed concern regarding the sales aspect in residential areas. She felt with the approval of markets within public area (churches, schools, etc.) in neighborhoods, the production would be fine in the neighborhoods, but not the sale, which may generate additional traffic into the neighborhoods, parking concerns, etc.

Ms. Mathews also expressed concern of big metal buildings in residential neighborhoods. She wondered if there was a way to make buildings aesthetically pleasing in terms of materials. Urban Planner Alan Glines explained there are now regulations on accessory structures. Ms. Daniel felt that given the desire of Council in supporting the food policy and the probably limited income most will produce, she didn't feel there was any directive to get into design criteria at this time.

Mr. O'Conner, who helps runs the Oakley Farmer's Market, said that the one to three days a week that their vendors sell at their market may not be enough to move their cut produce that couldn't be sold at one day's market. He felt people will use it as an opportunity to do pick-ups or to clear produce that didn't sell at the market for a reduced price so it doesn't go to waste. He didn't see this circumventing the markets because they do such a good job of marketing and advertising.

At the suggestion of Mr. Minicozzi, Ms. Daniel said that a standard could be that the sale be allowed on a street that is capable of handling traffic. It would be up to Planning staff to make that determination, with the possibility of permit revocation. She understood the concept; however, was hesitant in making that a standard without further thought.

Chairman Cannady felt it was so hard to cover every instance and would support the amendment moving forward as proposed.

Ms. Carter suggested the ordinance be revisited after a certain period of time to see if there have been any problems.

Ms. Mathews felt the ordinance being revisited was a good compromise. That would at least be a way to get neighborhood input and see if there are traffic issues due to sales.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Mr. Minicozzi moved to recommend approval of ordinance amending Chapter 7 of the Code of Ordinance for horticultural agricultural uses, with the suggestion that the sales piece be monitored for compatibility with neighborhoods and revisited in one year. This motion was seconded by Ms. Carter and carried unanimously on a 7-0 vote.

Other Business

Mr. Minicozzi announced that the Realtors Board is sponsoring Nathan Norris to speak on Friday, August 16, 2013, in which he would be discussing streamlining zoning codes, form based codes, etc. He invited the Commissioners to attend this free event.

Chairman Cannady announced the next meeting on September 4, 2013, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 8:11 p.m., Ms. Mathews moved to adjourn the meeting. This motion was seconded by Ms. Shriner and carried unanimously on a 7-0 vote.